

AN ORDINANCE

**BY LEE MORRIS, CLAIR MULLER AND JIM MADDOX
AS SUBSTITUTED BY THE CITY UTILITIES COMMITTEE**

A SUBSTITUTE ORDINANCE TO AMEND CHAPTER 138, STREETS, SIDEWALKS AND OTHER PLACES, ARTICLE III, SECTION 138-66 OF THE CODE OF ORDINANCES, SO AS TO PROVIDE THAT THE CITY WILL INCUR THE COSTS OF PAVING UNIMPROVED STREETS WITHIN THE CITY OF ATLANTA, RATHER THAN ASSESS THE COSTS AGAINST THE ABUTTING PROPERTY OWNERS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has the authority to regulate the occupation and use of the public Streets; and

WHEREAS, the City has determined that the Streets are valuable public resources that have required and will continue to require substantial investment by the City; and

WHEREAS, the City does desire to manage the Streets and provide for an orderly process by which affected persons may utilize them; and

WHEREAS, it is in the best interests of the City to create paved surfaces which minimize the inconvenience and disruption to the public as well as damage to motor vehicles traveling along the City Streets; and

WHEREAS, the Department of Public Works needs to conduct and maintain an inventory of the unimproved streets within the City limits; and

WHEREAS, any unimproved street not feasibly able to be paved should be abandoned by the City.

NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Section 138-66 "Cost and fees of street paving by city assessed against abutting property owners," which currently reads as follows:

"Whenever any street or part thereof in the city is paved by direction of the council, there shall be added to the total assessable cost of the work a fee for inspection and engineering services furnished by the city, and the total of cost and fee shall be assessed against the abutting property owner. The fee shall be retained by the chief financial officer to cover the cost of inspection and engineering services. The fee shall be established by ordinance and may be found in the city's rules and regulations."

Be, and is hereby amended to read as follows:

“Cost and fees of street paving incurred by city.

- (a) The Department of Public Works shall maintain an inventory of the unimproved streets within the Atlanta City limits.**
- (b) Whenever any unimproved street, or part thereof, as identified by the inventory maintained by the Department of Public Works, in accordance with Section 138-66(a), is originally paved by direction of the council, the total cost of the work, including the fee for inspection and engineering services furnished by the city, shall be borne by the city and shall not be assessed against the abutting property owner.**

SECTION 2: That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed, to the extent of said conflict.

RCS# 3278
11/19/01
2:54 PM

Atlanta City Council

Regular Session

MULTIPLE

CU Items 1 through 14
Except #6, 00-O-1475
FILE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 4

Y McCarty
B Starnes
B Bond
Y Winslow
B Dorsey
Y Woolard
B Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

(1) 99-O-1415
(2) 99-O-1625
(3) 00-O-0190
(4) 00-O-0976
(5) 00-O-1085
(7) 00-O-1559
(8) 00-O-1964
(9) 01-O-0219
(10) 01-O-0546
(11) 01-O-0547
(12) 01-O-0625
(13) 01-O-0711
(14) 01-O-1115

MULTIPLE

00-0-0976

(Do Not Write Above This Line)

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AND JIM MADDOX

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AND OTHER PLACES, ARTICLE III,
SECTION 138-66 OF THE CODE OF
ORDINANCES, SO AS TO PROVIDE
THAT THE CITY WILL INCUR THE
COSTS OF PAVING UNIMPROVED
STREETS AND OF REPAIRING
SIDEWALKS WITHIN THE CITY OF
ATLANTA, RATHER THAN ASSESS
THE COSTS AGAINST THE ABUTTING
PROPERTY OWNERS, AND FOR
OTHER PURPOSES

FILED BY
CITY COUNCIL

NOV 19 2001

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

6/19/00

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
 Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

NOV 19 2001

ATLANTA CITY COUNCIL PRESIDENT

Handwritten signature: *Robert A. Parker*

CERTIFIED
 NOV 19 2001

Handwritten signature: *Frank Davidson Johnson*
 MUNICIPAL CLERK

MAYOR'S ACTION